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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,841	10/13/2000	James R. Lavoie	05954.0063-00000	6663
22852	7590	07/19/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005				ENATSKY, AARON L
ART UNIT		PAPER NUMBER		
		3713		

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/689,841	LAVOIE ET AL.	
	Examiner	Art Unit	
	Aaron L Enatsky	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 26 April 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-36 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-36 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_

**DETAILED ACTION*****Receipt of Amendment***

Examiner acknowledges receipt of amendment and remarks on 04/26/04. The arguments set forth in the response are addressed herein below. Furthermore Applicant's amendments have corrected problems cited in the 35 USC 112 rejection of paper no. 17.

***Drawings***

Examiner acknowledges receipt of corrected drawings and believes the corrections are proper.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier et al. '398 (Hereafter Schneier) in view of Koza et al. '453 (Hereafter, Koza).

Schneier discloses receiving from a first client terminal an agent terminal (AT) or a handheld ticket viewer (HTV) at which a player will make a purchase request for at least one wager from a central management computer (CMC) (5:56-67 and 6:1-7) where the results will be determined and stored in the CMC before game play (9:35-39, 9:57-10:4). Schneier further supports that purchase requests to generate outcome/results and transmission of results to a first

client terminal all take place before game play (17:10-18:33, 23:22-24). Schneier also teaches a player can play a game at different times (11:45-50), a player account is debited based on a purchase request or prize winning where it would be inherent that debiting occurs by subtracting purchase amount from an account balance (19:1-21 and 20:40-52), determining an outcome of the purchased wager on the CMC (15:59-67), the outcomes are stored in a database in the CMC (7:39-4 1). Schneier also discloses that a managing authority can track player related information and store it in a player database (11:51-56), thus it is inherent from this disclosure and the above discussed limitation of player account debiting that during all transactions a player identifier is used and would be received at the first client terminal. Additionally Schneier teaches that communications between the AT/HTV terminals and the CMC can be accomplished through various types of interactive communication networks (6:26-27 and 6:32-4 1). Schneier does not recite the limitation of sending to a second client terminal the result of at least one wager during game play. However Schneier does not preclude on-line game play, such as receiving results during game play, thru reiterating that the game can be off-line (22:56-60), allowing for games to be played at different times as discussed above, and also teaches that games could be played at any location (23:15-20). As such Applicants requirement for a second client terminal is viewed as functionally equivalent to allowing game play at a later date on the same machine. Applicant's use of a second terminal to reveal game results during on-line game play serves to define game plays using remaining purchased outcomes at a time designated by a player. Furthermore, it is notoriously well known that cashless gaming methods allows players to establish monetary wagering accounts that can be used at different machines and at different dates and times. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Schneier to allow game play on a secondary machine such that when at a different location, remaining game plays could be revealed. Koza, in addition to that which is taught by Schneier, describes a remote lottery game system (3:10-35). Koza provides further evidence that it was well known in the art of remote lottery game systems to allow winning values to be determined prior to, during, or after distributing a ticket depending on the type of game employed in the system (5:40-44).

In re claim 2-4 and 13-14, Schneier et al. discloses the above-mentioned limitations and in addition, that a purchase may include a purchase amount of "m" tickets and a denomination value represented through different price points (17:1-9). Likewise, it is inherent through the disclosure that a number of wagers maybe purchased since the gaming system as established, includes a plurality of game and purchase terminals allowing concurrence of multiple separate purchases and game play.

In re claims 5 and 27, Schneier et al. discloses the above-mentioned limitations in addition to a plurality of agent terminals (5:63) that are located on-site at retailers/merchants (6:5-7).

In re claims 11 and 12, Schneier et al. discloses the above-mentioned limitations in addition to a player may communicate messages in response to suitable prompts/menu to purchase wagers/outcomes (10:33-55).

In re claim 19, Schneier et al. teaches that a player can continue game play until player balance is equal to zero (19:16-21 and 20:40-44).

In re claim 20-21 and 24-25, Schneier et al. discloses the above-mentioned AGAM that consists of authentication data including biometric data such as fingerprints (7:48-67).

In re claim 23, Schneier et al. discloses the above-mentioned limitations in addition, it is shown from Fig. 1, a plurality of client terminals are connected to a server and exist for the execution of the gaming system thus described.

In re claim 26, Schneier et al. discloses the above-mentioned limitations in addition to an output device (HTV) in a touch-screen arrangement with player controls to select various game functions (12:8-14). Also disclosed is an embodiment where the AT and CMC are combined into one unit where game/wager purchases will be made through the HTV. In this arrangement it is inherent that a menu be offered including that which will provide a player with game/wager purchase selections.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-36 have been considered but are not considered persuasive. Applicant has amended drawings to correct informal issues. Applicant also provides arguments in response to Examiner's comments from a Non-Final Office Action, mailed on 11/26/03. Examiner's response to the arguments are as follows:

***“Adjusting, at the server, an account of the patron based on the results of the at least one wager before game play has begun”***. Applicant argues that Examiner's discussion of the prior art does not detail this required feature. Examiner provided arguments in the prior action explaining the position that Applicant's arguments are not commensurate in scope with the claims. Examiner still believes this is true. The reasoning, as stated in the previous action, is that *adjusting* an account based on the results of a wager does not preclude account adjustment before game play has begun. Examiner's position is that the result of the wager is acceptance of the wager, at which point an account would be debited. For Applicant's arguments to exclude this

position, Applicant should amend the claims to require the account adjustment based upon the result of a game outcome or plurality of game outcomes.

***“reveal the results without game play”***. Applicant also asserts that Examiner did not treat the limitation of sending from a server, and revealing results without game play. Applicant’s arguments implies that intention was that *no* game play exists to reveal the results. Examiner believes this to be impossible. This argument goes against the very nature/definition of game play. When someone wagers or requests to reveal the result of a game, game play has begun. Examiner believes that the moment a wager is made, especially at the request to reveal a game result, game play has begun, thus it is impossible for results to be revealed “*without*” game play. Examiner was previously treating the language as minimal game interaction. Applicant’s stance draws a claim in the boundaries of enablement issues. For these reasons, Applicant’s arguments are not held persuasive and the claims remain rejected.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALE

JOHN M. HOTALING, II  
PRIMARY EXAMINER

